

**City of Miami Beach - City Commission Meeting  
Commission Chambers, 3rd Floor, City Hall  
1700 Convention Center Drive  
October 13, 2004**

Mayor David Dermer  
Vice-Mayor Richard L. Steinberg  
Commissioner Matti Herrera Bower  
Commissioner Simon Cruz  
Commissioner Luis R. Garcia, Jr.  
Commissioner Saul Gross  
Commissioner Jose Smith

City Manager Jorge M. Gonzalez  
City Attorney Murray H. Dubbin  
City Clerk Robert E. Parcher

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**ATTENTION ALL LOBBYISTS**

**Chapter 2, Article VII, Division 3 of the City Code of Miami Beach entitled "Lobbyists" requires the registration of all lobbyists with the City Clerk prior to engaging in any lobbying activity with the City Commission, any City Board or Committee, or any personnel as defined in the subject Code sections. Copies of the City Code sections on lobbyists laws are available in the City Clerk's Office. Questions regarding the provisions of the Ordinance should be directed to the Office of the City Attorney.**

- PA1 Presentation of the FPL Energy Efficiency Upgrade Rebate to the City.
- PA2 Certificates of Excellence/R. James & R. Riamonde, "Voting in America" Essay Contest. (Steinberg)
- PA3 Key to the City/Gary Hall, Jr., Swimming Achievements in the Athens Olympic Games. Steinberg)
- PA4 Medal of Honor/Cayetano Garcia, 2004 World Fin Swimming Competitor for the U.S. (Dermer)
- PA5 Certifications of Completion/Participants of the CMB Community Emergency Response Team.
- PA6 Certificates of Appreciation/Employee of the Month "At Your Service Award" Winners (Aug. & Sept.).
- PA7 Proclamation/City Ad Hoc Charter Review & Revision Board's Outstanding Contributions. (Dermer)
- PA8 Certificate of Appreciation/Graziano Sbroggio, Vote Miami Beach Program. (Steinberg)
- PA9 Certificate of Appreciation/David Wallack, Donating \$5000 to Purchase Computers for PAL's Lab.
  
- C2A Approve Purchase, (1) 2005 Thomas 140YS 78-Capacity Rear Engine Bus, \$83,424.
- C2B BA 35-03/04, Purchase of Street Light Poles & Fixtures, \$215,000.
  
- C4A Ref: Neighborhood/Community Affairs Committee - RFP to Manage the Log Cabin Facility.
- C4B Ref: Land Use & Dev. Committee - La Gorce Golf Course & Conveyance of Easements. (Garcia)
- C4C Ref: Neighborhood/Community Affairs Committee - Condominium Worker's Rights. (Bower)
  
- C6A Report: Special Finance & Citywide Projects Committee Meeting of September 1, 2004.
- C6B Report: Joint Land Use & Dev. & Neighborhood/Community Affairs Comm. of Sept. 13, 2004.
- C6C Report: G.O. Bond Oversight Committee Meeting of September 14, 2004.
- C6D Report: Joint Finance & Citywide Projects/G.O. Bond Oversight Comm. Mtg of Sept. 15, 2004.
- C6E Report: Neighborhood/Community Affairs Committee Meeting of September 29, 2004.
- C6F Report: G.O. Bond Oversight Committee Meeting of October 5, 2004.
  
- C7A Accept Donation of \$75,000, Design & Construction of Maurice Gibb Memorial Park.
- C7B Elect Commissioner Simon Cruz as Vice-Mayor for November 1, 2004 – February 28, 2005.
- C7C Re-appoint Warren Bittner as Special Master, City's Historic Preservation Board.
- C7D Accept Recommendation, Select Auctioneer to Sell City-Owned Property at 2620 Biarritz Dr.
- C7E Submit Grant Applications to Several Funding Agencies.
- C7F Approve Settlement of Lien for Morris Tabannejad, 3101 Indian Creek Drive, \$5,000.
- C7G W-Approve Settlement of Lien for Jorge Acevedo, 7746 Carlyle Avenue, 40,702.15.
- C7H Execute Amendment to Interlocal Agmt w/ Miami-Dade County, Vehicles for Hire Regulations.

- C7I Declare Citywide Parking Emergency for Several Events in 2004-05.  
 C7J Retroactively Approve Final 2-Year Option of Meter Collection Services w/ APCOA/Standard.  
 C7K Issue RFQ, Hire Consultant for MBPD to Determine Most Effective Personnel Staffing Levels.  
 C7L Set Public Hearing, Consider Revocable Permit for Doron Valero - 320 South Coconut Lane.  
 C7M Ratify Interlocal Agmt w/ HACMB, Appoint Miguell Del Campillo as Interim Executive Director.  
 C7N Approve 2<sup>nd</sup> Amendment to Consolidated Lease Agmt w/ JCC, 4221-4229 Pine Tree Drive.  
 C7O W-Set Public Hearing, Disqualify Waste Management of M-DC from Serving as Vendor.  
 C7P Accept Recommendation, RFP for Citizen/Public Opinion Survey Services.  
 C7Q Set Public Hearing, Lease of City-Owned Property, Located at 1701 Meridian Avenue.
- R5A 5:00 p.m. 2<sup>nd</sup> Rdg, West Avenue Overlay-Minimum/Maximum Developable Lot Regulations. 5/7  
 R5B 1<sup>st</sup> Rdg, Establish Revised Standards for Parking Lot Setback Requirements. 5/7  
 R5C 3:30 p.m. 1<sup>st</sup> Rdg, Single Family Residential Review Board Amendments. 5/7  
 R5D 3:30 p.m. 1<sup>st</sup> Rdg, Single Family Ad Valorem Tax Exemption. 5/7  
 R5E 1<sup>st</sup> Rdg, Interim Controls Amendment-Adopted Neighborhood Conservation District Enabling. 5/7  
 R5F 10:10 a.m. 1<sup>st</sup> Rdg, CCC, Civic & Convention Center District Regulations. 5/7  
 R5G 1<sup>st</sup> Rdg, Amend No. 789 Classified Employees Salary Ordinance.  
 R5H 1<sup>st</sup> Rdg, Amend No. 1605 Unclassified Employees Salary Ordinance.  
 R5I 1<sup>st</sup> Rdg, Amend No. 1335 Classified Employees Leave Ordinance.  
 R5J 1<sup>st</sup> Rdg, Amend No. 1613 Unclassified Employees Leave Ordinance.  
 R5K 10:01 a.m. 1<sup>st</sup> Rdg, Restrictions on Locations where Panhandling is Prohibited. (Steinberg)  
 R5L 1<sup>st</sup> Rdg, Amend Code, Create "The North Shore Park and Youth Center Advisory Board."
- R7A 10:15 a.m. Approve Vacation of Property on 5860 North Bay Road (Schindler). 5/7  
 R7B 10:15 a.m. Approve Vacation of Property on 5900 North Bay Road (Harris/Koenigsberg). 5/7  
 R7C 10:20 a.m. Approve Vacation of Property on 5480 North Bay Road (Donnelly). 5/7  
 R7D 11:00 a.m. Approve Proposed Uses of Local Law Enforcement Block Grant Funds.  
 R7E 11:15 a.m. Approve Placement of Commemorative Plaque for Joseph Villari in Victory Gardens.  
 R7F 5:01 p.m. Deny Creation of Restricted Residential Parking Permit Zone 13/Lower West Avenue.  
 R7G Issue RFQ, Biscayne Point Right of Way Infrastructure Improvement Project.  
 R7H Joint, Execute a Modification of the Letter Agreement, Improvement to the Library Facility.
- R9A Board and Committee Appointments.  
 R9A1 Nominate Marcelo Llorente to the Personnel Board. (Cruz)  
 R9A2 Nominate Alex DeGasperi to the Personnel Board. (Gross)  
 R9B1 1:30 p.m. Dr. Stanley Sutnick Citizen's Forum.  
 R9B2 5:30 p.m. Dr. Stanley Sutnick Citizen's Forum.  
 R9C 10:30 a.m. Disc. Update ADA Code to Include Innovative Forms of Vehicles. (Garcia)  
 R9D 10:45 a.m. Disc. Conduct Study to Determine Weaknesses in Florida's Power Grid. (Steinberg)  
 R9E 3:00 p.m. Disc. GMCVB Contract and the City's Tourism Needs. (Steinberg)  
 R9F Noon Break, City Commission Will Attend a Ground Breaking Ceremony at Fire Station No. 4.  
 R9G Disc. Mandatory Evacuation of Tourists During a Hurricane. (Garcia)
- R10A Noon Break, Notice of Closed Executive Session: Gloria Rosenthal Vs. CMB.  
 R10B Noon Break, Notice of Closed Executive Session: Atlantic Civil, Inc. Vs. RDA.
- A City Attorney's Status Report.  
 B Parking Status Report.  
 C Status Report on Fire Station No. 2.  
 D Status Report on Fire Station No. 4.  
 E Informational Report on Federal, State, County, U.S. Communities & All Existing City Contracts.  
 F1 Minutes from the Performing Arts Center Trust Board Meeting on July 20, 2004. (Bower)  
 F2 Minutes from the MBTMA Executive Board Meeting on May 10, 2004. (Bower)  
 F3 Minutes from the M-D County Homeless Trust Board Meeting on July 23, 2004. (Steinberg)

REDEVELOPMENT AGENCY ITEMS - 10:00 A.M.

- 2A Report of Itemized Revenues & Expenditures of RDA for August 2004.  
 3A Joint, Execute a Modification of the Letter Agreement, Improvements to the Library Space.

Meeting called to order at 9:20:20 a.m.

Pledge of Allegiance led by Fire Chief Floyd Jordan.

**10:16:06 a.m.**

**Addendum items: C4C, C7Q, and a Closed Executive Session to discuss the status of labor negotiations.**

**ACTION:** Motion made by Commissioner Bower to add Addendum items C4C, C7Q, and the Closed Executive Session, as emergency items to the Commission Agenda; seconded by Commissioner Garcia; Voice vote: 7-0.

**Supplemental Materials:**

C7D (Additional Information), C7L (Resolution), C7O (Additional Information), C7P (Additional Information), R5L (Additional Information).

**PA - Presentations and Awards**

**10:02:38 a.m.**

PA1 Presentation Of The FPL Energy Efficiency Upgrade Rebate To City Of Miami Beach.  
(Convention Center)  
(Deferred from September 8, 2004)

**ACTION:** Check presented.

FPL representative, Althea Player, presented the City of Miami Beach with a check for \$31,044.00 for installing an energy efficient air-conditioning system at the Convention Center as well as efficient light and special roofing. She congratulated the City of Miami Beach and the Convention Center for this accomplishment.

**9:29:51 a.m.**

PA2 Certificates Of Excellence To Be Presented To Rachel James And Richard Riamonde For Their Entries In The "Voting In America" Essay Contest.  
(Requested by Commissioner Richard L. Steinberg)

**ACTION:** Certificates of Excellence presented.

**9:24:29 a.m.**

PA3 Key To The City To Be Presented To Gary Hall, Jr., Miami Beach Resident And 10-Time Olympic Champion, For His Outstanding Achievements In Swimming And His Gold Medal Win In The 50-Meter Freestyle In The Athens Olympic Games.  
(Requested by Commissioner Richard L. Steinberg)

**ACTION:** Proclamation and key to the City presented.

Vice-Mayor Steinberg stated that Gary Hall is really an American hero and the second most decorated Olympian tied with Carl Lewis. Gary and his father are the first son duo to have participated in the Olympics; both as swimmers. Gary accomplished this although he is a diabetic. Vice-Mayor Steinberg stated that Gary is truly a role model for many people and has proved that even with adversity, individuals can accomplish great things. The City of Miami Beach is honored to have him as a member of the community.

Gary Hall stated that it is an honor to be presented with the key to the City and he is proud to be a resident of this great community.

**9:40:23 a.m.**

PA4 Medal Of Honor To Be Presented To Cayetano Garcia, Miami Beach Lifeguard & World Class Fin Swimming Competitor, For Qualifying To Represent The United States In The 2004 World Fin Swimming Competition.

(Requested by Mayor David Dermer)

**ACTION:** Medal of Honor presented.

Vincent Andreano, Beach Patrol Captain, stated that Cayetano Garcia has qualified to represent the United States in China in the 2004 World Fin Swimming competition. He stated that Mr. Garcia has been an excellent lifeguard for the past five years and has saved many lives. He explained that Mr. Cayetano has been swimming since he was 8 years old in Cuba and won many championships.

Bernie Weiner stated that since this sport is not recognized as an Olympic sport, he is not getting any sponsors. Mr. Weiner stated that the Fire Union, FOP, CWA, and some of the lifeguards have contributed money to Mr. Garcia for his trip. He explained that Cayetano Garcia will be representing the City of Miami Beach and will be wearing the City's shirts. He stated that if anybody wants to help, checks can be sent the Police Athletic League in care of Mr. Cayetano Garcia.

Cayetano Garcia thanked all the individuals that have sponsor him and stated that he is very proud to be the first Cuban-American representing the United States in this sport and he will do his best.

**9:55:52 a.m.**

PA5 Certifications Of Completion For Participants Of The City Of Miami Beach Community Emergency Response Team (CERT).

(Neighborhood Services)

**ACTION:** Certificates of Completion presented.

Jorge Gonzalez, City Manager, congratulated the recent Community Emergency Response Team graduating class. He explained that this program has been developing expertise within the community to be able to respond in the event of an emergency. He stated that he is confident that if there is a need, the City has a group of individuals trained and equipped to help. He recognized Jorge Castelnau, Richard Nixon, Joni Millan, Paul Yavis, Carmen Rivera, Cristina Vidal, Monica Plaza and Solange Oscar.

Chief Jordan, Fire Department, stated that the Community Emergency Response Team is a national program and its purpose is to train citizens in the community who can respond in the aftermath of a catastrophic emergency before the professionals arrive, such as the Police, Fire, etc. He recognized the Neighborhood Services Department for the great job they have done over the years in getting 147 citizens in Miami Beach trained. He stated that from now on the Fire Department will be responsible not only for the training but for the entire program.

Commissioner Garcia stated that this program was suggested by Chief Del Favero many years ago and this Administration decided to embrace it. He added that this is a credit to the current Fire Administration and to the City Manager.

**9:47:32 a.m.**

PA6 Certificates Of Appreciation To Be Presented To Employee Of The Month "At Your Service Award" Winners For August And September 2004.  
(City Manager's Office)

**ACTION:** Certificates presented to Sailyn Arce, Carmen Carlson, Jose Cruz, William Gonzalez, and Joseph Reilly.

Jorge Gonzalez, City Manager, stated that this is the first time a team rather than an individual receives this award. He stated that this is the Budget Office team; Sailyn Arce, Carmen Carlson, Jose Cruz, William Gonzalez, and Joseph Reilly, for going above and beyond the call of duty. He stated that it is appropriate to give them this award for the months of August and September since these are the busiest months preparing the budget.

Kathie Brooks, Budget and Performance Improvement Director, stated that it is a pleasure to work with such talented, dedicated, hard working, and professional group, but what is most impressive to her is how much they care about the well-being of the City. She continued saying that this group is extremely supportive and they make sure that everyone that they work with also succeeds. She is fortunate to be part of this group.

**9:21:04 a.m.**

PA7 Proclamation To Be Presented To The City Ad Hoc Charter Review And Revision Board For Their Outstanding Contributions.  
(Requested by Mayor David Dermer)

**ACTION:** Proclamations presented to Stephen Zack, Chair, Jonathan Beloff, Vice-Chair, and Ricky Arriola, Victor Diaz, Seymour Gelber, Larry Herrup, and Abraham Laeser.

Mayor Dermer proclaimed today "Stephen Zack Day" along with a special day for the other members who served very ably and very long on the Charter Review Board. Mayor Dermer stated that this is Steve's second time as chair of this board which meets every ten years to review the City Charter. He stated that he had the privilege of serving on the Charter Review Board with Steve, ten years ago and expressed his appreciation for the service of the entire Board. He thanked each member for doing such a great job reviewing the City Charter and added that they deserve to have a day named in their honor for the contributions made to the City.

**9:29:51 a.m.**

PA8 Certificate Of Appreciation To Be Presented To Graziano Sbroggio For The Vote Miami Beach Program.  
(Requested By Vice-Mayor Richard L. Steinberg)

**ACTION:** Certificate presented.

Vice-Mayor Steinberg stated that as part of the program to encourage people to vote there was an essay contest, and students in the community wrote essays on the importance of voting. The two winners of the competition are 4th grade honor students Rachel James and Richard Ramonde from Feinberg-Fisher Elementary. Additionally, he recognized Graziano Sbroggio, member of the business community, who volunteered to donate a pizza party for the entire fourth grade class in honor of the winners of the essay contest. He explained that this shows students that achieving academically also has its rewards.

Vice-Mayor Steinberg announced that early voting starts on Monday, October 18, 2004, at City Hall and at the North Beach Library.

Jorge Gonzalez, City Manager, stated that Vice-Mayor Steinberg had asked him to come up with ideas to encourage early voting. He explained that the City of Miami Beach will provide free Electrowave rides from any scheduled stop on the route for anyone wishing to take advantage of early voting at City Hall. In addition, the City is offering one-hour free parking at the 17<sup>th</sup> Street Parking Garage for early voters, and a coupon for one free admission for an adult and a child for an open session at either the Flamingo Pool or Scott Rakow Ice Rink for Miami Beach residents as incentives to vote early.

Sally Heyman, Miami-Dade County Commissioner, congratulated the winners of the essay contest. She stated that Miami-Dade County fought hard to make sure that early voting is available from October 18 to October 31, 2004, with Saturdays and Sundays available from 1:00 -5:00 p.m. She encouraged everyone to vote early and to become familiar with the ballot since it is 57 pages long. She stated that the City of Miami Beach through its leadership and the League of Cities was very consistent, very articulate to the needs of Miami Beach and because of that the City has tens of millions of dollars in line items secured if the government bonds obligation passes. She stated that Miami-Dade County is retiring the old bonds and there will be no tax rate increase. She thanked the City of Miami Beach Police Department, on behalf of Miami-Dade County, for the response and effort coordinated by the Police Department, the first responders, and the City Administration during the hurricane and evacuation procedures. She stated that it was exceptional. She also thanked Michael Aller and stated that Miami-Dade County has now taken the City of Miami Beach's evacuation plan, adopted it, and have restructured countywide how the shelters are handled.

#### Handout or Reference Materials

1. Folder titled "2004 Bond Program Building Better Communities" – Voters guide of voters Elections information Materials

#### 9:51:25 a.m.

- PA9 Certificate Of Appreciation To Be Presented To David Wallack, Owner Of Mango's Tropical Cafe For Donating \$5000 Dollars To Purchase Computers For PAL's Computer Lab.  
(Police Department)

**ACTION:** Certificate of Appreciation presented.

Mayor Dermer stated that David Wallack has given a very generous donation to the Police Athletic League and has been involved in police issues for a very long time.

Bernie Weiner stated that David Wallack has been a friend of PAL for many years and a friend to a lot of causes on Miami Beach. He recalled that in 2001, David donated \$10,000 for computers for their computer lab and now there are 35 computers for the kids. He explained that some of the computers are getting old and that David very graciously donated \$5,000 for computers. He stated that David Wallack donates year round and thanked him publicly for his generosity.

David Wallack stated that he is very happy to be able to help, and that he firmly believes that kids need computers to succeed in this world. He added that he is fortunate to be able to give back to the community.

**10:00:36 a.m.****New Item:**

Mayor Dermer announced that October is Hispanic Heritage Month and the City of Miami Beach is celebrating. He thanked everyone involved for the Art Exhibit and other Cultural events going on every Friday. He stated that special awards to honor special individuals of the Hispanic community will be given tomorrow October 14, at 5:30 p.m. at the Clinton Hotel. He gave special recognition to the Hispanic Heritage Committee; Liliam Hatfield, Nannette Rodriguez, and Barbara Hawayek. He thanked the City Manager and everyone involved.

**10:05:45 a.m.****New Item**

Commissioner Bower stated that in honor of the National Breast Cancer Awareness Month, Jorge Gonzalez, City Manager, along with Ronnie Singer, have compiled a program for breast cancer awareness. She thanked Ronnie Singer for her efforts.

Jorge Gonzalez, City Manager, stated that October is National Breast Cancer Awareness Month and that the City of Miami Beach takes cancer awareness very seriously. He added that Ronnie Singer, as a cancer survivor has made it her mission to make sure that people are aware. He stated that the third Friday in October of each year is National Mammography Day and encourages everyone to test.

If anyone wants to learn more about cancer, contact the American Cancer Society at 1-800-227-2345. He also announced that pink ribbons are available.

Commissioner Garcia stated that education is the key word and is very important. He thanked Jorge Gonzalez, City Manager, and encouraged everyone to get tested.

**New Item:****10:08:40 a.m.**

Commissioner Bower stated that Vice-Mayor Steinberg has worked very hard on the voting issue and it would be nice to post all the ballot questions on Channel 20 in advance, because the sample ballot comes in much later. She stated that it will be good for the citizens to see the questions in advance.

Jorge Gonzalez, City Manager, stated that the full sample ballot with all the races could be posted, or maybe just the ballot questions and not the candidate races, on the website and also on Channel 20.

Commissioner Smith agreed with Commissioner Bower and stated that there are very important questions affecting the entire state; he stated that Amendments 3 and 4 are very important issues. He stated that the City Manager will be submitting an LTC indicating the G.O. Bond issues with Miami-Dade County, as to which ones directly impact the City of Miami Beach with issues such as the Convention Center where the City stands to gain \$65 million from G.O. Bond proceeds. He stated that this information is very important and should be posted on the web. **See LTC 268-2004.**

Jorge Gonzalez, City Manager, stated that he will be happy to post the LTC on the web and also on Channel 20 so the information is repeated. He explained that the G.O. Bond questions are intertwined and residents should vote for all of them. He stated that question 2, contains \$20 million for park improvements that the City of Miami Beach will benefit from. Question 6, is the one regarding the Convention Center for \$55 million. Question 8, has funding for Old City Hall, the Flagler Memorial, the Wolfsonian Museum at FIU and others. He stated that he will itemize all of them and post them. **Robert Parcher to handle posting on the Internet and Channel 20.**

Commissioner Garcia stated that he would be happy to campaign for the issues affecting the City and stated that the pamphlet given to him by Commissioner Heyman is poorly designed. He stated that it would be in the best interest of the City to list the items which will directly impact the City of Miami Beach and put that information on both the City's website and Channel 20.

**CONSENT AGENDA**

**ACTION:** Motion made by Commissioner Bower to approve the Consent Agenda; seconded by Commissioner Smith; Voice vote; 7-0.

**C2 - Competitive Bid Reports**

- C2A Request For Approval To Purchase One (1) 2005 Thomas 140YS 78-Capacity Rear Engine Bus, From Freightliner Of South Florida, Pursuant To Florida Department Of Education Contract No. 2004-19, In The Amount Of \$83,424.

(Fleet Management)

**ACTION:** Award authorized. Gus Lopez to issue Purchase Order. Drew Terpak to handle.

- C2B Request For Approval To Award Contracts To Mercedes Electric Supply As Primary Vendor And Rexel Consolidated As Secondary Vendor, Pursuant To Invitation To Bid No. 35-03/04, For The Purchase Of Street Light Poles And Fixtures, In The Estimated Annual Amount Of \$215,000.

(Public Works)

**ACTION:** Award authorized. Fred Beckmann to handle.

**C4 - Commission Committee Assignments**

- C4A Referral To The Neighborhood/Community Affairs Committee - A Resolution Authorizing The Issuance Of A Request For Proposals (RFP) To Manage And Operate The Log Cabin Training Facility.

(Neighborhood Services)

**ACTION: Referred.** Vivian Guzman to place on the committee agenda and to handle.

- C4B Referral To The Land Use And Development Committee - Discussion Regarding La Gorce Golf Course And The Conveyance Of Easements To The Adjoining Single Family Property Owners.

(Requested by Commissioner Luis R. Garcia, Jr.)

**ACTION: Referred.** Jorge Gomez to place on the committee agenda. Jorge Gomez to handle.

**Addendum:**

- C4C Referral To The Neighborhood/Community Affairs Committee - A Resolution Regarding Condominium Worker's Right To Form, Join Or Assist Labor Organizations Without Interference By Their Employers.

(Requested by Commissioner Matti Herrera Bower)

**ACTION: Referred.** Vivian Guzman to place on the committee agenda.

**C6 - Commission Committee Reports**

- C6A Report Of The Special Finance And Citywide Projects Committee Meeting Of September 1, 2004: **1)** Discussion Regarding The Greater Miami Convention And Visitor's Bureau (GMCVB) Strategic Plan And Contract Negotiations.

**ACTION:****Item 1.**

The Committee directed the Administration to negotiate terms of a new agreement with the GMCVB based on the parameters proposed in the September 1, 2004 memo to the Finance and Citywide Projects Committee, and to bring back the negotiated contract terms to the City Commission.

**Christina Cuervo to handle.**

City Clerk's Note: attached to this item is an Interoffice Memorandum from Jorge M. Gonzalez, City Manager to the Finance & Citywide Projects Committee, dated September 1, 2004, RE: Greater Miami Convention and Visitor's Bureau (GMCVB) Strategic Plan and Contract Negotiations

City Clerk's Cross reference: ERA, Economic Research Associates, CLL/Marshall Murdaugh, Ernst & Young

- C6B Report Of The Joint Meeting Of The Land Use & Development And Neighborhood/Community Affairs Committee Meeting Of September 13, 2004: **1)** Discussion Regarding The Possible Application Of A National Register Of Historic Places District In North Beach; And **2)** Discussion Regarding The Zoning Of Religious Institutions In The RS-4 District.

**ACTION:****Item 1.**

Motion – (made by Vice-Mayor Steinberg, seconded by Commissioner Gross) Direct the Administration to proceed with the analysis and process of designating National Register Districts within the proposed boundaries. Vote – 4 in favor – 0 against. **Jorge Gomez to handle.**

**Item 2.**

The Committee heard a presentation from Mr. Perry Adair regarding a proposed change to the development regulations. The Committee requested that the Legal Department and the Administration provide further research and present the additional information at a future Land Use and Development Committee meeting. **Jorge Gomez and Legal Department to handle.**

C6C Report Of The General Obligation Bond Oversight Committee Meeting Of September 14, 2004: **1)** Change Order Report; **2)** Presentation: Status Of RFQ For Baseline Evaluation Of Condition Of City Facilities; **3)** Project Status Report: a. Fire Station No. 2; b. Fire Station No. 4; c. Normandy Isle Park And Pool; And **4)** Informational Items: a. Updated Calendar Of Scheduled Community Meetings; b. Biscayne Point RFQ For Design, Bid/Award, Construction Administration; c. North Shore RFQ For Design, Bid/Award, Construction Administration; d. Amendment To A/E Agreement For Normandy Shore Golf Course Project; E. Amendment To URS Agreement For Program Management Services.

## **ACTION:**

### **Item 1.**

The Administration informed the Committee that no new change orders had been approved since the last meeting. A list of the change orders approved to date is attached as "Exhibit A".

### **Item 2.**

The Administration provided the Committee with an update on the Request For Qualifications (RFQ) for a Baseline Evaluation of the Condition of the City's Facilities. The services would include the evaluation of all building services (i.e., electrical, plumbing, HVAC, elevators, etc.) as well as roofing, general structure, and other conditions. The Administration would then develop a Capital Plan over various periods of time with life cycle timeframes for the services and structures. As replacements are made, updates will be made to keep the information timely. It will help the Administration provide information regarding the cost to maintain the City's facilities, as well as the costs for deferred maintenance. The RFQ was issued, a selection committee evaluated the responses, and a recommendation was made to the City Commission on September 8, 2004 to negotiate with the top ranked firm, which was Post Buckley. The City Commission approved that recommendation and negotiations will begin shortly.

City Clerk's Note: See Resolution No. 2004-25676 adopted September 8, 2004.

### **Item 3. (a).**

The Administration informed the Committee that the Contractor for the **Fire Station No. 2** project, Jasco, was backfilling the site where the old tank had been located. An unforeseen drainage condition was delaying the construction of the new station by approximately 120 days. Unforeseen conditions were included in the Guaranteed Maximum Price (GMP), so no additional costs would be incurred. After the new Fire Station No. 2 facility is complete, the renovation of the historic building will begin.

### **Item 3(b).**

The Committee was told that the construction of the seawall portion of the **Fire Station No. 4** project was to begin the week of August 23, 2004, but due to recent hurricane threats, it was delayed. Staging and construction activities will start shortly. The groundbreaking ceremony was also delayed and will be rescheduled. The fire station portion will begin construction after the completion of the seawall, which is estimated to take approximately 90 to 120 days.

### **Item 3(c).**

With regard to the **Normandy Isle Park and Pool** project, the Administration informed the Committee that the Architect of Record (A/E) had been asked to proceed with reconciling the work already in place at the Normandy Isle Pool project site that can remain, as opposed to what has to be re-built and what is still to be constructed, as a result of the default of Regosa Engineering, the contractor for the project. This report will allow a new contractor to come in to complete the project and assist the City in its claim with the surety. Until the discussions with the surety progress, no further construction on the pool portion of the project can take place. The Administration intends to have the park portion

of the project under construction at the same time as the remainder of the pool portion, once a drainage issue between the two phases is worked out.

**Item 4(a).**

The updated calendar of community meetings was presented to the Committee, but not reviewed during the meeting.

**Item 4(b)**

The Administration informed the Committee that on September 15, 2004, the City Commission deferred a discussion until its next meeting on whether or not to authorize the issuance of a Request for Qualifications (RFQ) for Design, Bid/Award, and Construction Administration services on the **Biscayne Point Neighborhood Right-of-Way Infrastructure Improvement** project.

**Item 4(c).**

The Administration provided the Committee with a City Commission item that authorized the Administration to issue a Request for Qualifications (RFQ) for Design, Bid/Award, and Construction Administration services on the **North Shore Neighborhood Right-of-Way Infrastructure Improvement** project, as approved by the Commission on September 8, 2004.

**Item 4(d).**

The Administration provided the Committee with a City Commission item that amended the Architectural/Engineering Agreement with Arthur Hills and Associates on the **Normandy Shores Golf Course** project that the Commission approved on September 8, 2004.

**Item 4(e).**

The Administration provided the Committee with a City Commission item that **amended the Program Management Services Agreement with URS** that the Commission approved on September 8, 2004.

- C6D Report Of The Joint Meeting Of The Finance And Citywide Projects And General Obligation Bond Oversight Committee Of September 15, 2004: **1)** Discussion Regarding The Capital Budget For FY 2004/05 And Capital Improvement Plan For FY 2005-2009; **2)** Discussion Regarding The South Pointe Park Request For Qualifications (RFQ); **3)** Discussion Regarding The Walker Parking/ Alternative Analysis & Feasibility Analysis; **4)** Discussion Regarding The Parking System Capital Plan And Funding Alternatives; **5)** Discussion Regarding The Forge Restaurant On-Street Parking; **6)** Discussion Regarding Funding Assistance For The Miami Beach Community Health Center Initiatives Which Provide Medical And Nursing Care To Needy Children At Miami Beach Public Schools; **7)** Discussion Regarding The Implementation Of A Trust Fund In Order To Help The Family In Financial Distress Of Late Co-Worker Joseph Johnson; And **8)** Discussion Regarding Space Rentals For Valet Parking On Ocean Drive/ 5th To 15th Street.

**ACTION:**

**Item 1.**

The Committees moved the item to the full Commission, recommending adoption of the City of Miami Beach and Miami Beach Redevelopment Agency Fiscal Year 2004/05 Capital Budget and the 2005-2009 Capital Improvement Plan.

City clerk's note: See Resolution No. 2004-25698 and RDA Resolution 488-2004

**Item 2.**

The Committee instructed the Administration to proceed with an expedited RFQ process for the bidding of the planning and design of the South Pointe Park Project.

**Item 3.**

Item Deferred.

**Item 4.**

Item Deferred.

**Item 5.**

The Committee directed the Administration to research the possibility of using under-utilized on-street valet parking/loading spaces on the south side of the 400 block of 41<sup>st</sup> Street as public parking. **Saul Frances to handle.**

**Item 6.**

Item Deferred.

**Item 7.**

The Committee instructed the Administration to bring back to a future Finance and Citywide Projects Committee meeting a plan which states how the trust fund will be funded and establishes a set of criteria for the eligibility requirements in order for employees, or their families, to receive proceeds from the fund. The Committee further instructed the Administration to work with Commissioner Garcia in the preparation of this plan. **Mayra Diaz Buttacavoli to handle.**

**Item 8.**

The Committee directed the Administration to meet with businesses from Ocean Drive after the construction period is completed and then come back to the Finance and Citywide Projects Committee with recommendations on how the City should address the issue of valet parking space rental fees on Ocean Drive between 5<sup>th</sup> and 15<sup>th</sup>.

**NOT ON THE AGENDA:**

1. Status Report on the Alton Road and 5<sup>th</sup> Street Project (This item was added to the agenda at the meeting.

**ACTION:** No Action necessary. Verbal Report given by Jorge Gonzalez, City Manager.

- C6E Report Of The Neighborhood/Community Affairs Committee Meeting Of September 29, 2004: **1)** Discussion Regarding City Code Chapter 2, Article III "Agencies, Boards And Committees," Section 2-22(5) Thereof Establishing Term Limits Of Board And Committee Members, By Providing That Said Term Limits Should Not Include Time Served As A Result Of Having Filled A Vacancy; Providing For Repealer, Severability, Codification, And An Effective Date; **2)** Discussion Regarding The Ordinance Revising The Regulation And Administration Of Newspaper Racks; **3)** Discussion Regarding An Ordinance Revising The Regulation And Administration Of Sidewalk Cafes; **4)** Discussion Regarding The Formation Of A North Beach Youth Center Advisory Board; **5)** Discussion Regarding Lifeguard Stands; And **6)** Discussion Regarding An Ordinance Proposing Limits On Live-A-Boards And Houseboats.

**ACTION:****Item 1.**

The item was deferred to a future Neighborhood /Community Affairs Committee meeting.

**Item 2.**

The Committee requested the Administration return with a report regarding color selection and intersection density. **Fred Beckmann to handle.**

**Item 3.**

The item was deferred to a future Neighborhood /Community Affairs Committee meeting.

**Item 4.**

The Committee recommended to the full City Commission the formation of a new North Shore Park and Youth Center Advisory Board consisting of seven direct appointments of the City Commission and modeled after the Scott Rakow Youth Center Advisory Board and to combine the new Board for a period of one year with the current membership of the North Beach Youth Center Ad-Hoc Oversight Committee, which will sunset after the one year of joint operations with the new North Shore Park and Youth Center Advisory Board. See Agenda item R5L.

**Item 5.**

The Committee recommended this item be brought to the next meeting of the full Commission. **Robert Middaugh to handle.**

**Item 6.**

The item was deferred to a future Neighborhood /Community Affairs Committee meeting

C6F Report Of The General Obligation Bond Oversight Committee Meeting Of October 5, 2004: **1)** Change Order Report; **2)** Discussion: a) Rescheduling Of November 2, 2004 Meeting; **3)** Project Status Report: a) Fire Station No. 2; b) Fire Station No. 4; c) Normandy Isle Park And Pool; And **4)** Informational Items: a) Updated Calendar Of Scheduled Community Meetings.

**ACTION:****Item 1.**

The Administration informed the Committee that no new change orders had been approved since the last meeting. However, some change orders which had been previously approved, but not previously reported, were now reflected on the report. A list of the change orders approved to date is attached as "Exhibit A".

**Item 2.**

The Committee discussed if the November 2, 2004 Committee meeting should be rescheduled due to it being Election Day. The Committee voted to maintain its meeting date of November 2, 2004.

**Item 3 (a).**

The Administration informed the Committee that the Contractor for the **Fire Station No. 2** project, Jasco, is continuing to resolve the unforeseen drainage condition on the project site. Once that is resolved, work on the new fire station can begin. After the new Fire Station No. 2 facility is complete, the renovation of the historic building will begin.

**Item 3(b)**

The Committee was told that the construction of the seawall portion of the **Fire Station No. 4** project was underway. The fire station portion will begin construction after the completion of the seawall, which is estimated to take approximately 90 to 120 days.

**Item 3 (c).**

With regard to the **Normandy Isle Park and Pool** project, the Administration informed the Committee that the Architect of Record (A/E) had provided the City with a report reconciling the work already in place at the Normandy Isle Pool project site that can remain, as opposed to what has to be re-built and what is still to be constructed, as a result of the default of Regosa Engineering, the contractor for the project. This report will allow a new contractor to come in to complete the project and assist the City in its claim with the surety. The A/E firm will now work on revising the drawings to reflect the

current status of the project; however, until the discussions with the surety progress, no further construction on the pool portion of the project can take place. The Administration intends to have the park portion of the project under construction at the same time as the remainder of the pool portion, once a drainage issue between the two phases is worked out.

**Item 4.**

The updated calendar of community meetings was presented to the Committee, but not reviewed during the meeting.

**C7 - Resolutions**

- C7A A Resolution Accepting A Donation Of \$75,000 From The Family Of Maurice Gibb For The Public Park Improvements Related To The Re-Naming, Design And Construction Of Maurice Gibb Memorial Park, The Park Formerly Known As Island View Park; And For The Appropriation Of Said Funding, In The Total Amount Of \$75,000, As Follows; \$63,085.57 For Construction Costs; \$946.28 For Gordian Fee (JOC); \$7,531.25 For Contingency; And \$3,436.90 For CIP Fee, As Supported By The Miami Beach Voters In The November 2003 Referendum.  
(Capital Improvement Projects)

**ACTION: Resolution No. 2004-25708 adopted.** Patricia Walker to appropriate the funds. Tim Hemstreet to handle.

Handout or Reference Materials:

1. Color rendering of the proposed park sign and proposed Maurice Gibb Memorial Plaque.

- C7B A Resolution Electing Commissioner Simon Cruz As Vice-Mayor For A Term Commencing On November 1, 2004, And Terminating On February 28, 2005, Or On Such Date When A New Vice-Mayor Is Thereafter Elected.  
(City Clerk's Office)

**ACTION: Resolution No. 2004-25709 adopted.** R. Parcher to handle.

- C7C A Resolution Re-Appointing Mr. Warren Bittner, Esq. To Serve As Special Master For Appeals Of Decisions Of The City's Historic Preservation Board Until July 1, 2007 And Setting The Compensation At \$100.00 Per Hour With A Maximum Payment Of \$500.00 Per Case, Retroactive To July 1, 2004.  
(City Clerk's Office)

**ACTION: Resolution No. 2004-25710 adopted.** R. Parcher to handle.

**Supplement: (Additional Information):**

- C7D A Resolution Accepting The Recommendation Of The City Manager Pertaining To The Ranking Of Auctioneers Pursuant To Request For Proposals (RFP) No. 30-03/04 For The Selection Of An Auctioneer To Sell To The Highest Bidder City-Owned Property Located At 2620 Biarritz Drive; Authorizing The Administration To Enter Into Negotiations With The Top-Ranked Firm Of Fisher Auction Co. Inc., And Should The Administration Not Be Able To Negotiate An Agreement With The Top-Ranked Firm, Authorizing The Administration To Negotiate With The Second-Ranked Firm Of National Auction Company; And Further Authorizing The Mayor And City Clerk To Execute An Agreement Upon The Completion Of Successful Negotiations By The Administration.  
(City Manager's Office)

**ACTION: Resolution No. 2004-25711 adopted.** Joe Damien to handle.

## Handout or Reference Materials:

1. Notebook titled "Auction Proposal," RE: RFP 30-03/04 "Auctioneer Services" submitted by Fisher Auction Co., Inc, dated July 27, 2004

- C7E A Resolution Authorizing The City Manager Or His Designee To Submit Grant Applications To The Following Funding Agencies: 1) Florida Recreation Development Assistance Program For Funding In An Amount Not To Exceed \$200,000 For Renovations To Muss Park; 2) Florida Recreation Development Assistance Program For Funding, In An Amount Not To Exceed \$200,000 For Renovations To Normandy Park; And, 3) Retroactively To The State Of Florida Department Of Children And Families, Office Of Homelessness For Funding, In An Amount Not To Exceed \$36,000, For Funding For Homeless Prevention Activities; While Leveraging Previously Appropriated City Funds As Needed; Further Appropriating The Grants If Approved And Accepted By The City And Authorizing The Execution Of All Necessary Document Related To These Applications.  
(Grants Management)

**ACTION: Resolution No. 2004-25712 adopted.** Patricia Walker to appropriate the funds if approved and accepted by the City. Judy Hoanshelt to handle.

- C7F A Resolution Approving The Settlement Of A City Lien On Real Property Owned By Mr. Morris Tabannejad At 3101 Indian Creek Drive, Unit 300, Miami Beach, Florida, Resulting From Special Master Case No. JB00000526/Building Violation No. BV00000557 And Providing That The Lien In The Amount Of \$255,435.26 Plus Interest Be Settled For The Amount Of \$5,000.00.  
(City Manager's Office)

**ACTION: Resolution No. 2004-25713 adopted.** Robert Middaugh to handle.

- C7G A Resolution Approving A Settlement Regarding Liens On Real Property Owned By Mr. Jorge V. Acevedo At 7746 Carlyle Avenue Resulting From Special Master Case/Code Compliance Case No. JC970813/CPMV-47989 And Special Master Case/Code Compliance Case No. JC970462/ZV961778 Providing That The Lien In The Amount Of \$564,996.49 Plus Interest Be Settled For The Amount Of \$40,702.15.  
(Neighborhood Services)

**ACTION: Withdrawn.**

- C7H A Resolution Approving And Authorizing The City Manager, To Execute An Amendment To The Interlocal Agreement Between The City And Miami-Dade County, Florida, Dated May 7, 2003; Said Amendment Permitting Miami Beach Parking Enforcement Specialists I And II To Enforce Provisions Of The Miami-Dade County Code, Specifically Regarding Vehicles For Hire Regulations.  
(Parking Department)

**ACTION: Resolution No. 2004-25714 adopted.** Saul Frances to handle.

- C7I A Resolution Declaring A Citywide Parking Emergency On The Following Respective Dates For The Following Respective Events; November 5-14, 2004 For The South Florida Auto Show; December 1-5, 2004 For Art Basel; December 31, 2004 For New Year's Eve Event; January 6-10, 2005 For Art Miami; January 14-16, 2005 For Art Deco Weekend; February 4-6, 2005 For Graphics Of The Americas; February 17-21, 2005 For The NMMA Miami International Boat Show; May 27-30, 2005 For Memorial Day Weekend; September 2-5, 2005; Allowing For The Use Of Specified Vacant Surface Lots Citywide.  
(Parking Department)

**ACTION: Resolution No. 2004-25715 adopted.** Saul Frances to handle.

- C7J A Resolution Retroactively Approving The Final Two-Year Option Of The Professional Services Agreement With Apcoa/Standard Parking For Parking Meter Collection Services, Commencing On August 28, 2004 And Expiring On August 27, 2006; And Amending The Agreement To Include Additional Provisions.  
(Parking Department)

**ACTION: Resolution No. 2004-25716 adopted.** Saul Frances to handle.

- C7K A Resolution Authorizing The Miami Beach Police Department To Issue A Request For Qualifications (RFQ) To Hire A Consultant To Conduct An Analysis To Determine The Most Effective Personnel Staffing Levels And Deployment, And To Evaluate Existing Policies Governing Overtime, Off-Duty And Secondary Employment For The Miami Beach Police Department.  
(Police Department)

**ACTION: Resolution No. 2004-25617 adopted.** Chief De Lucca to handle. Gus Lopez to issue the RFQ.

**Supplement: (Resolution):**

- C7L A Resolution Setting A Public Hearing On November 10, 2004, To Consider An After-The Fact Revocable Permit Request By Doron Valero, For Retaining A Masonry Fence In The City Right-Of-Way Adjacent To His Property Located At 320 South Coconut Lane.  
(Public Works)

**ACTION: Resolution No. 2004-25718 adopted.** Public Hearing scheduled for November 10, 2004. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. Fred Beckmann to handle.

- C7M A Resolution Ratifying An Interlocal Agreement Between The City Of Miami Beach And The Housing Authority Of The City Of Miami Beach (HACMB) Relating To The Appointment Of Miguell Del Campillo As Interim Executive Director To The HACMB Effective August 19, 2004.  
(City Manager's Office)

**ACTION: Resolution No. 2004-25719 adopted.**

- C7N A Resolution Approving A Second Amendment To That Certain Amended And Restated/Consolidated Lease Agreement By And Between The City Of Miami Beach And The Miami Beach Jewish Community Center, Inc. (JCC), For A Parcel Of Land And Facilities Located At 4221 - 4229 Pine Tree Drive, Miami Beach, Florida, Amending The Agreement To Extend The Time Periods For The JCC To Apply To The City's Design Review Board, Submit Plans For The Design Of The Proposed Improvements To The Property, To Obtain Building Permits And To Complete Construction Of The Proposed Improvements, And Amending Other Provisions Of The Agreement As Are Appropriate Under The Circumstances.  
(Asset Management)

**ACTION: Resolution No. 2004-25720 adopted.** Joe Damien to handle.

**Supplement: (Additional Information):**

- C7O A Resolution Setting A Public Hearing For November 10, 2004, To Consider Waiving By 5/7ths Vote, The Disqualification Of Waste Management Of Dade County From Serving As A Vendor With The City Pursuant To Miami Beach City Code Section 2-487 (B) (4), Finding Such Waiver To Be In The Best Economic Interest Of The City, Regarding The Non-Exclusive Franchise Agreement For Residential And Commercial Waste Collection And Disposal In The City Of Miami Beach.  
(Page 200)  
(Public Works)

**ACTION: Withdrawn.**

**Handout or Reference Materials**

1. Letter to Murray Dubbin, City Attorney, from Alfredo L. Gonzalez, Adorno & Yoss, P.A., dated October 12, 2004, RE: Waste Management Ethics Complaint No. 04-21
2. Miami-Dade County Commission on Ethics & Public Trust, Respondent's Motion for Rehearing and/or to Withdraw Public Report and Order Accepting Settlement Agreement, RE: Waste Management of Dade County, Complaint No. 04-21.

**Supplement: (Additional Information):**

- C7P A Resolution Accepting The Recommendation Of The City Manager Pertaining To The Ranking Of Proposals Received Pursuant To Request For Proposals (RFP) No. 32-03/04, For Citizen/Public Opinion Survey Services; Authorizing The Administration To Enter Into Negotiations With The Top-Ranked Firm Of Hay Group, Inc., And Should The Administration Not Be Able To Negotiate An Agreement With The Top-Ranked Firm, Authorizing The Administration To Negotiate With The Second-Ranked Firm Of The Center For Research And Public Policy; Further Authorizing The Mayor And City Clerk To Execute An Agreement Upon Completion Of Successful Negotiations By The Administration.  
(City Manager's Office)

**ACTION: Resolution No. 2004-25721 adopted.** Ramiro Inguanzo to handle.

**Addendum:**

C7Q A Resolution Setting A Public Hearing On November 10, 2004, Pursuant To The Requirements Of Section 82-37 Of The Miami Beach City Code, To Hear Public Comment Regarding The Lease Of Approximately 2,800 Square Feet Of City-Owned Property, Located At 1701 Meridian Avenue (A/K/A 777 - 17th Street), Miami Beach, Florida, For A Twenty-Three (23) Month Term, Commencing On November 1, 2004, And Ending On September 30, 2006; Further Consenting To The Negotiated Terms Presented Herein, Subject To A Lease Agreement In A Form Acceptable To The City Attorney And Compliance With The Requirements Of Section 82-36 Through 82-39 Of The Miami Beach City Code.

(Economic Development)

**ACTION: Resolution No. 2004-25722 adopted.** Public Hearing scheduled for November 10, 2004. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. Christina Cuervo to handle.

City Clerk's note: Include language "Further Waive, By 5/7ths Vote, The Competitive Bidding And Appraisal Requirements" in the notice.

Handout or Reference Materials:

1. Email from Raul Aguila, Assistant City Attorney, to Christina Cuervo, Assistant City Manager, dated October 11, 2004, RE: Program Office Lease

Cross-reference: Bratter Kreiger, Hazen and Sawyer

**End of Consent Agenda****REGULAR AGENDA****R5 - Ordinances**

**6:43:57 p.m.**

R5A West Avenue Overlay - Minimum/Maximum Developable Lot Regulations  
An Ordinance Amending The Code Of The City Of Miami Beach, Florida, By Amending Chapter 142, "Zoning Districts And Regulations," Article III, "Overlay Districts," Division 5, "West Avenue Bay Front Overlay," Section 142-842, "Location And Purpose," And Section 142-843, "Compliance With Regulations," To Include Minimum And Maximum Developable Lot Regulations Within The Underlying RM-1 Residential Multi-Family Low Intensity Zoning District Of The Subject Overlay Area Providing For Codification; Repealer; Severability; And An Effective Date. **5:00 p.m. Second Reading, Public Hearing.**

(Planning Department)  
(First Reading on September 8, 2004)

**ACTION:** Public Hearing held. **Ordinance Number 2004-3458 adopted.** Motion made by Commissioner Bower; seconded by Commissioner Gross; Ballot vote: 6-0; Absent: Commissioner Cruz. R. Parcher to transmit to Municipal Code Corp. Jorge Gomez to handle.

Handout or Reference Materials:

1. Notice of Ad in The Miami Herald  
2. Color copies of maps, Proposed Extent of RM-1 Zoning Amendment and Extent of Existing West Avenue Bay Front Overlay, West Avenue Bay Front Overlay Parcel Ownership Analysis, West Avenue Bay Front Overlay Lot Width/Depth Analysis, Recent Infill Redevelopment Projects 2004, and West Avenue Bay Front Overlay Minimum/Maximum Developable Lot Scenarios May 2004

**6:46:40 p.m.**

R5B An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, By Amending Chapter 142, "Zoning Districts And Regulations", Article II, "District Regulations", Division 3, "Residential Multifamily Districts," Subdivision II, "RM-1 Residential Multifamily Low Intensity," Subdivision IV, "RM-2 Residential Multifamily Medium Intensity," And Division 15, "TH Town House Residential District," By Amending Section 142-156, Section 142-218 And Section 142-606, Respectively, To Establish Revised Standards For Parking Lot Setback Requirements When There Is An Approved Street Improvement Plan That Incorporates A Public-Private Parking Agreement With The City; Providing For Repealer, Codification, Severability And An Effective Date. **First Reading.**

(Planning Department)

**ACTION: Ordinance approved on First Reading and referred to the Transportation and Parking Committee between first and second reading.** Motion made by Commissioner Bower; seconded by Commissioner Garcia; Ballot vote: 5-0; Absent: Commissioners Cruz and Garcia. Second Reading and Public Hearing scheduled for November 10, 2004. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. Jorge Gomez to handle.

Discussion was held.

Commissioner Smith wants to ensure that no public parking will be lost.

Joyce Meyers, Principal Planner, Planning Department, stated that it actually increases the number of parking spaces by changing to angle parking.

**4:25:03 p.m.**

R5C Single Family Residential Review Board Amendments  
An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, By Amending Chapter 142, "Zoning Districts And Regulations," Article II, "District Regulations," Division 2, "Single-Family Residential Districts," By Revising Procedures For The Review And Approval Of Demolition Requests For Single Family Homes Constructed Prior To 1942 And Not Located Within A Designated Historic District; Providing For Repealer, Codification, Severability And An Effective Date. **First Reading.**

(Planning Department)

**ACTION: Ordinance approved on first reading as amended and referred to a joint meeting of the Land Use and Development and Finance and Citywide Projects Committees.** Motion made by Commissioner Bower; seconded by Vice-Mayor Steinberg; Ballot vote: 6-0; Absent: Commissioner Cruz. Second Reading and Public Hearing scheduled for December 8, 2004. R. Parcher to notice. Jorge Gomez and Patricia Walker to coordinate a meeting and to handle.

**Amendment:**

Section 142-108(4)(c) "In the event the planning director, or designee, determines that a single-family home constructed prior to 1942 is architecturally significant, a demolition permit shall require the review and approval of the Design Review Board. In the event the finished floor of the structure is located at or below minimum flood elevation for the property as determined by building official, the Design Review Board shall not have the authority to deny a demolition request."

Jorge Gomez, Planning Director, introduced the item.

Thomas Mooney, Preservation & Design Manager, Planning Department, explained the changes to the ordinance.

Mayor Dermer announced that the City proclaimed this day as "Victor Diaz's Day" in recognition of the fine job he did on the Charter Review Board and thanked him for his efforts.

Victor Diaz, Chairman of the Planning Board, spoke.

Commissioner Smith stated that Section 142-108(8) dealing with new construction needs to be clarified between first and second reading. **Jorge Gomez to handle.**

Victor Diaz stated that the issue of the involvement of the property owners within 375 feet needs to be discussed at the Land Use and Development Committee. **Jorge Gomez to handle.**

Victor Diaz stated that the issue of the DRB given flexibility to modify set backs should be discussed by the Land Use and Development Committee. **Jorge Gomez to handle.**

**Amendment:**

Thomas Mooney, Preservation and Design Manager, Planning Department, read the amended language into the record: Section 142-108(4)(c) "In the event the planning director, or designee, determines that a single-family home constructed prior to 1942 is architecturally significant, a demolition permit shall require the review and approval of the Design Review Board. In the event the finished floor of the structure is located at or below minimum flood elevation for the property as determined by building official, the Design Review Board shall not have the authority to deny a demolition request."

Commissioner Gross requested that at committee meeting, the Administration analyze the lot coverage issue. **Jorge Gomez to handle.**

**Handout or Reference Materials:**

1. Color chart of Procedures for the Review of Single Family Homes Constructed Prior to 1942, dated October 13, 2004.

**6:12:04 p.m.**

**R5D Single Family Ad Valorem Tax Exemption**

An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, By Amending Chapter 118, "Administration And Review Procedures," Article X, "Historic Preservation," By Creating Division 5, "Single Family Ad Valorem Tax Abatement," Establishing Requirements And Procedures For City Tax Exemptions For Single Family Homes; Providing For Repealer, Codification, Severability And An Effective Date. **First Reading.**  
(Planning Department)

**ACTION: Ordinance approved on First Reading and referred to the Land Use and Development Committee.** Motion made by Commissioner Bower; seconded by Commissioner Smith; Ballot vote: 6-0; Absent: Commissioner Cruz. Second Reading and Public Hearing scheduled for December 8, 2004. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. Jorge Gomez to handle.

Item referred to the Land Use and Development Committee. Jorge Gomez to place on the committee agenda and to handle.

**7:06:05 p.m.**

R5E Interim Controls Amendment - Adopted Neighborhood Conservation District Enabling Ordinance An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, Florida, By Amending Chapter 118, "Administration And Review Procedures," Article XI, "Neighborhood Conservation Districts," By Creating A New Section 118-708, Entitled "Enforcement Of NCD Regulations And Criteria; Application Of Equitable Estoppel To Permits And Approvals,"; Providing For Codification; Repealer; Severability; And An Effective Date. **First Reading**  
(Planning Department)

**ACTION: Ordinance approved on First Reading.** Motion made by Commissioner Bower; seconded by Commissioner Smith; Ballot vote: 5-0; Absent: Commissioners Cruz and Garcia. Second Reading and Public Hearing scheduled for November 10, 2004. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. Jorge Gomez to handle.

**11:00:09 a.m.**

R5F CCC, Civic & Convention Center District Regulations Regarding Required Parking An Ordinance Amending Chapter 142, "Land Development Regulations," Of The City Code; Division 7. "CCC, Civic And Convention Center District," By Creating A New Section 142-368 Entitled "Offsite Parking," Providing That Required Parking Provided For Uses In This District, Located Off-Site Pursuant To Section 130-36, Shall Not Be Included In Permitted Floor Area Wherever Located; Providing For Codification, Repealer, Severability And Effective Date. **First Reading.**  
(Planning Department)

**ACTION: Ordinance approved on First Reading as amended.** Motion made by Commissioner Bower; seconded by Vice-Mayor Steinberg; Ballot vote: 7-0. Second Reading and Public Hearing scheduled for November 10, 2004. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. Jorge Gomez to handle.

Amendment:

142-368 – "Required parking provided for performing arts and cultural facilities in this district uses in ~~this district (except hotels, merchandise marts, and commercial or office development)~~, located off-site....."

Gary Held, First Assistant City Attorney, stated that built into the ordinance is the additional requirement that ties it to City Code Section 130-36, and that Section requires that there be a covenant between properties affected. The City Commission must approve the covenants which would authorize the transfer under this City Code Section. In this particular instance the City Commission will be presented with a covenant that ties the New World Symphony (NWS) property to the Cejas property.

Vice-Mayor Steinberg stated that this action should be done, but we should also maximize the amount of parking at the NWS to the extent it makes sense. As the project moves forward different parking alternatives should be presented to give the Commission options.

Commissioner Smith explained that the Planning Board had concerns with signage and parking rates.

Jorge Gonzalez, City Manager, stated that these two issues will be dealt with in the covenant.

Commissioner Smith stated that the directive to the Administration is that when going to the NWS, it should be clear that they can park at the Cejas facility (420 Lincoln Road project), and that the rates are consistent with City rates. **Christina Cuervo to handle.**

Commissioner Bower suggested having parking information printed on the tickets.

Commissioner Gross stated that he is concerned that the pedestal on the offsite parking location will be too large.

Carter McDowell, Esq., representing PLC Investments, stated PLC would not seek a variance for the pedestal.

Commissioner Gross asked that at the time the Administration brings the covenant to the City Commission for approval, the plans and elevations for the Cejas facility (420 Lincoln Road) be also submitted. **Jorge Gomez to handle.**

Carter McDowell, Esq., representing PLC Investments, stated that they have no problem with that.

Vice-Mayor Steinberg asked that the mover of the ordinance, if directions can be given to the Administration, explore different parking alternatives. **Jorge Gomez to handle.**

Minette Benson spoke.

#### Handout or Reference Material

1. Special Transportation & Parking Committee Meeting dated Monday, September 27, 2004, RE: NWS parking garage, submitted by Minette Benson.

#### 7:07:19 p.m.

- R5G An Ordinance Amending Ordinance No. 789, The Classified Employees Salary Ordinance, By Establishing The Classifications Of Field Inspector I, Field Inspector II And Parking Dispatcher In Group IV, Being Those Classifications Covered By The Communication Workers Of America (CWA), Local 3178; Transferring The Titles Of The Classifications Of Backflow Coordinator, Carpenter Supervisor, Central Services Supervisor, Lead Mechanic, Sanitation Operations Supervisor, Service Supervisor, And 911 Communications Records Custodian From Group VI, Being Other Classifications In The Classified Service Not Covered By A Bargaining Unit, To Group V, Being Those Classifications Covered By The Government Supervisors Association Of Florida (GSAF), OPEIU Local 100; Providing For A Repealer, Severability, Effective Date And Codification. **First Reading.**  
(Human Resources)

**ACTION: Ordinance approved on First Reading.** Motion made by Commissioner Bower; seconded by Commissioner Smith; Ballot vote: 5-0; Absent: Commissioners Cruz and Garcia. Second Reading and Public Hearing scheduled for November 10, 2004. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. Mayra Diaz Buttacavoli to handle.

**7:08:52 p.m.**

R5H Ordinance Amending Ordinance No. 1605, Unclassified Employees Salary Ordinance, Establishing The Classifications Of Code Compliance Division Director, Cultural Facilities Manager, Field Monitor, Geographic Information System Analyst, Human Resources & Risk Management Director, Neighborhood Services Projects Administrator And Senior Management Analyst; Amending The Titles Of The Classifications Of Beach Patrol Captain To Ocean Rescue Division Chief, Field Inspector To Field Supervisor, Management & Budget Director To Budget & Performance Improvement Director, And Right Of Way Supervisor To Right Of Way Manager; Providing For A Repealer, Severability, Effective Date, And Codification. **First Reading.**  
(Human Resources)

**ACTION: Ordinance approved on First Reading as amended.** Motion made by Commissioner Bower; seconded by Commissioner Smith; Ballot vote: 5-0; Absent: Commissioners Cruz and Garcia. Second Reading and Public Hearing scheduled for November 10, 2004. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. Mayra Diaz Buttacavoli to handle.

Amendment:

- 1) Title of ordinance: "...Geographic Information System Analyst, ~~Human Resources & Risk Management Director~~, Neighborhood Services Projects Administrator And Senior Management Analyst;....."
- 2) Delete Section 1 (B) "22 Human Resources & Risk Management Director Unclassified"

**7:10:34 p.m.**

R5I An Ordinance Amending Ordinance No. 1335, The Classified Employees' Leave Ordinance, By Amending The Provisions For Accumulation And Payment Of Annual And Sick Leave For The Fraternal Order Of Police (FOP), The International Association Of Fire Fighters (IAFF), And Classified Employees Not Covered By A Bargaining Unit And Known As The Group "Others"; Providing For A Repealer, Severability, Codification, And An Effective Date. **First Reading.**  
(Human Resources)

**ACTION: Ordinance approved on First Reading.** Motion made by Commissioner Bower; seconded by Commissioner Smith; Ballot vote: 5-0; Absent: Commissioners Cruz and Garcia. Second Reading and Public Hearing scheduled for November 10, 2004. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. Mayra Diaz Buttacavoli to handle.

**7:11:47 p.m.**

R5J An Ordinance Amending Ordinance No. 1613, The Unclassified Employees' Leave Ordinance, By Amending The Provisions For Accumulation And Payment Of Annual And Sick Leave; Providing For A Repealer, Severability, Codification, And An Effective Date. **First Reading.**  
(Human Resources)

**ACTION: Ordinance approved on First Reading.** Motion made by Commissioner Bower; seconded by Commissioner Smith; Ballot vote: 5-0; Absent: Commissioners Cruz and Garcia. Second Reading and Public Hearing scheduled for November 10, 2004. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. Mayra Diaz Buttacavoli to handle.

**10:22:55 a.m.**

R5K An Ordinance Amending Ordinance Number 2003-3411 By Amending The Restrictions On The Locations Where Panhandling Is Prohibited And Providing For Repealer, Severability, And An Effective Date. **First Reading.**  
(Requested by Vice-Mayor Richard L. Steinberg)

**ACTION: Ordinance approved on First Reading.** Motion made by Vice-Mayor Steinberg; seconded by Commissioner Garcia; Ballot vote: 6-1; Opposed: Commissioner Bower. Second Reading and Public Hearing scheduled for November 10, 2004. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. Jorge Gomez to handle.

Sheri Sack, the City's specialist on Constitutional issues, introduced the item.

Rosalind Matos-Dammert, South Florida Staff Counsel, American Civil Liberties Union, spoke.

Police Chief Don De Lucca spoke.

Murray Dubbin, City Attorney, requested Ms. Mastos-Dammert submit copies of the 100 cases which she referenced.

Commissioner Gross requested an LTC on the 100 arrests and the case dispositions. **Chief De Lucca to handle.**

Handout or Reference Material

1. List of arrests made under the panhandling ordinance and disposition of cases (to be mailed)

**3:57:17 p.m.**

**Supplement: (Additional Information):**

R5L An Ordinance Amending Chapter 2 Of The City Code Entitled "Administration" By Amending Article III Entitled "Agencies, Boards And Committees" By Creating Division 31 To Be Entitled "The North Shore Park And Youth Center Advisory Board" And Providing For The Purpose, Powers And Duties, Composition, Knowledge And Experience, And Supporting Department Of Said Board; Further Providing For Codification, Repealer, Severability, And An Effective Date. **First Reading.**(City Manager's Office)

**ACTION: Ordinance not approved.** Motion made by Commissioner Bower to approve the City Manager's recommendation; seconded by Vice-Mayor Steinberg; Voice vote: 6-0; Absent: Commissioner Cruz.

**Administration's Recommendation**

Jorge Gonzalez, City Manager, suggested that the Ad Hoc Committee remains in place, with the same duties, for 60 days past the issuance of the Certificate of Occupancy. As it relates to programming, the Administration has professionals handling the programming; however, if there is a need or desire by the City Commission to have some oversight of the activities programming, the Parks and Recreational Facilities Board already exists and could be used. The Administration will do the analysis on how to structure the Parks advisory boards as a whole. **Robert Middaugh to handle.**

Jorge Gonzalez, City Manager, introduced the item.

Motion made by Commissioner Bower to approve the Ordinance on first reading; seconded by Commissioner Smith.

Commissioner Gross stated that by adding this board, it will take additional staff time and there is already another way of handling.

Discussion was held.

Joe Fontana, member of the North Shore Youth Center Oversight Committee Ad Hoc Committee, gave an overview of the Board and Committee Review Committee's work back in 1996/97. He recommended that the North Shore Youth Center Oversight Committee Ad Hoc Committee stay in place with the proviso that they be involved in not only construction but in the programming of activities as well. The Parks and Recreational Facilities Board should be involved with the North Shore Park only and let the Ad Hoc Committee, the same as Scott Rakow Committee, handles the Youth Center.

Commissioner Bower withdrew her motion.

Jorge Gonzalez, City Manager, suggested that the Ad Hoc Committee remain in place, with the same duties, for 60 days past the issuance of the Certificate of Occupancy. As it relates to programming, the Administration has professionals handling the programming, however, if there is a need or desire by the City Commission to have some oversight of the activities programming, the Parks and Recreational Facilities Board already exists and could be used. The Administration will do the analysis on how to structure the Parks advisory boards as a whole.

Motion made by Commissioner Bower to approve the City Manager's recommendation.

Commissioner Garcia suggested that the North Shore Youth Center Oversight Committee Ad Hoc Committee and the Parks and Recreational Facilities Board meet jointly to familiarize themselves with the project.

Joe Fontana suggested that the Ad Hoc Committee continue with the programming and that as citizens they want to have input in the programming, make suggestions as to having chess or dance, etc., and they do not have that input as of right now.

**10:16:54 a.m.**

R7A A Resolution Following A Duly Noticed Public Hearing To Hear Public Comment On Same, Approving And Authorizing The Vacation Of A Portion (The Southern Half) Of The West 59th Street Street-End, West Of North Bay Road, In Favor Of Roger J. Schindler And Leslie Schindler, As Owners Of The Adjacent Residential Property, Located At 5860 North Bay Road; Retaining Utility Easement Rights Within Said Vacated Portion Of The Street-End; Waiving, By 5/7ths Vote, The Competitive Bidding And Appraisal Requirements, Pursuant To Article II, Section 82-36 Through 82-40 Of The Miami Beach City Code, Finding Such Waiver To Be In The Best Interest Of The City; And Authorizing The Mayor And City Clerk To Execute Any And All Documents To Effectuate The Vacation, Including A Quitclaim Deed, Subject To Final Review And Approval Of Same By The City Attorney's Office. **10:15 a.m. Public Hearing.**

(Public Works)

(Continued from September 8, 2004)

**ACTION:** Public Hearing opened and continued to November 10, 2004 at 10:15 a.m. Motion made by Commissioner Smith to open and continue the item; seconded by Commissioner Cruz; Voice vote:7-0. Lilia Cardillo to place on the Commission agenda. Fred Beckmann to handle.

**10:16:54 a.m.**

R7B A Resolution Following A Duly Noticed Public Hearing To Hear Public Comment On Same, Approving And Authorizing The Vacation Of A Portion (The Northern Half) Of The West 59th Street Street-End, West Of North Bay Road, In Favor Of William Thomas Harris III And Richard Koenigsberg, As Trustees For The "Tom Harris Trust", As Owners Of The Adjacent Residential Property, Located At 5900 North Bay Road; Retaining Utility Easement Rights Within Said Vacated Portion Of The Street-End; Waiving, By 5/7ths Vote, The Competitive Bidding And Appraisal Requirements, Pursuant To Article II, Section 82-36 Through 82-40 Of The Miami Beach City Code, Finding Such Waiver To Be In The Best Interest Of The City; And Authorizing The Mayor And City Clerk To Execute Any And All Documents To Effectuate The Vacation, Including A Quitclaim Deed, Subject To Final Review And Approval Of Same By The City Attorney's Office. **10:15 a.m. Public Hearing**

(Public Works)

(Continued from September 8, 2004)

**ACTION: Public Hearing opened and continued to November 10, 2004 at 10:15 a.m.** Motion made by Commissioner Smith to open and continue the item; seconded by Commissioner Bower; Voice vote: 7-0. Lilia Cardillo to place on the Commission agenda. Fred Beckmann to handle.

**10:16:54 a.m.**

R7C A Resolution Following A Duly Noticed Public Hearing To Hear Public Comment On Same, Approving And Authorizing The Vacation Of A Portion (The Southern Half) Of The West 56th Street Street-End, West Of North Bay Road, In Favor Of Mary Elizabeth Donnelly, Owner Of The Adjacent Residential Property, Located At 5480 North Bay Road; Retaining Utility Easement Rights Within Said Vacated Portion Of The Street-End; Waiving, By 5/7ths Vote, The Competitive Bidding And Appraisal Requirements, Pursuant To Article II, Section 82-36 Through 82-40 Of The Miami Beach City Code, Finding Such Waiver To Be In The Best Interest Of The City; And Authorizing The Mayor And City Clerk To Execute Any And All Documents To Effectuate The Vacation, Including A Quitclaim Deed, Subject To Final Review And Approval Of Same By The City Attorney's Office. **10:20 a.m. Public Hearing.**

(Public Works)

(Continued from September 8, 2004)

**ACTION: Public Hearing opened and continued to November 10, 2004 at 10:15 a.m.** Motion made by Commissioner Bower; seconded by Commissioner Smith; Voice vote: 7-0. Lilia Cardillo to place on the Commission agenda. Fred Beckmann to handle.

**12:41:30 p.m.**

R7D A Resolution Following A Duly Noticed Public Hearing, Authorizing And Approving The Proposed Uses Of The Local Law Enforcement Block Grant Funds, In The Amount Of \$114,294. **11:00 a.m. Public Hearing.**

(Grants Management)

**ACTION: Public Hearing held. Resolution No. 2004-25723 adopted.** Motion made by Vice-Mayor Steinberg; seconded by Commissioner Bower; Voice vote: 6-0; Absent: Commissioner Cruz. Chief De Lucca to handle.

Handout or Reference Materials:

1. Notice of Ad in The Miami Herald

**12:41:52 p.m.**

R7E A Resolution Approving, Following A Duly Noticed Public Hearing, The Placement Of A Commemorative Plaque In The Victory Garden, Located At 226 Collins Avenue, Miami Beach, Florida, Honoring The Late Joseph J. Villari, And Referring The Placement Of Said Plaque To The Arts In Public Places Committee For Its Consideration, In Accordance With Section 82-504 Of The City Code. **11:15 a.m. Public Hearing.**

(Economic Development)

**ACTION: Public Hearing held. Resolution No. 2004-25724 adopted and item referred.** Motion made by Commissioner Bower; seconded by Vice-Mayor Steinberg; Voice vote: 6-0; Absent: Commissioner Cruz. Item referred to the Art in Public Places Committee. Dennis Leyva to place on the committee agenda. Kent Bonde to handle.

Handout or Reference Materials:

1. Notice of Ad in The Miami Herald

**6:12:55 p.m.**

R7F A Resolution Following A Duly Noticed Public Hearing, Denying The Creation Of A Restricted Residential Parking Permit Zone 13/Lower West Avenue, With Boundaries As Follows: On The South, The Centerline Of 5<sup>th</sup> Street; On The North, The Centerline Of 13<sup>th</sup> Street; On The East, By Alton Court; And On The West, The Westerly Line Of West Avenue; And Further Recommending That The City Administration Should Revisit This Issue Next Year (October 2005). **5:01 p.m. Public Hearing.**

(Parking Department)

(Continued from July 28, 2004)

**ACTION: Public Hearing held. Resolution No. 2004-25725 adopted (denying the creation).** Motion made by Vice-Mayor Steinberg; seconded by Commissioner Garcia; Voice vote: 6-0; Absent: Commissioner Cruz.

Saul Frances, Parking Director, stated that the Administration recommends no action on this item at this time. The Administration will be doing a six-month review after a zone is created; this will include the Upper West Avenue zone which will be surveyed.

Commissioner Garcia asked about a meter which is bagged permanently where parking is restricted between the hours of 6 am and 6 pm Monday through Saturday, 900 block of West Avenue. **Saul Frances will research.**

Benita Argos spoke.

Handout or Reference Materials:

1. Notice of Ad in The Miami Herald

R7G A Resolution Authorizing The Issuance Of Request For Qualifications (RFQ) No. 42-03/04 For Engineering, Urban Design, And Landscape Architecture For Planning, Design, Bid And Award And Construction Administration Services For The Biscayne Point Right Of Way Infrastructure Improvement Project.

(Capital Improvement Project)  
(Deferred from September 8, 2004)

**ACTION: Resolution No. 2004-25726 adopted.** Motion made by Commissioner Bower; seconded by Commissioner Smith; Voice vote: 5-0; Absent: Commissioners Cruz and Garcia. Tim Hemstreet to handle.

**10:22:21 a.m.**

R7H A Resolution Approving And Authorizing The City Manager To Execute A Modification Of The Letter Agreement Between The Miami Beach Redevelopment Agency, The City Of Miami Beach And The Courts At South Beach Limited, A Florida Limited Partnership F/K/A Cobb Partners South Beach Limited, Dated March 25, 2003; Said Modification Extending The Closing Date On The Library Facility To December 31, 2004, Subject To Certain Conditions And Limitations Expressed Therein; And Further Appropriating \$42,415.35 In Available South Pointe Redevelopment Area Trust Funds Toward Improvements To The Library Facility. **Joint City Commission and Redevelopment Agency.**

(Economic Development)

**ACTION: Item heard in conjunction with Item RDA-3A. Resolution No. 2004-25627 adopted.** Motion made by Commissioner Smith; seconded by Commissioner Garcia; Voice vote: 7-0. Christina Cuervo to handle.

### **R9 - New Business and Commission Requests**

R9A Board and Committee Appointments.  
(City Clerk's Office)

#### **ACTION:**

#### **Committee on Quality Education in Miami Beach:**

Wendy Hart	Term expires 6/30/05	Representative of the PTA of North Beach
North Beach Elementary School		

#### **Marine Authority:**

Joel Aberbach	Term expires 12/31/05	Appointed by Mayor Dermer TL 12/11
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#### **Safety Committee:**

Abe Lavender	Term expires 12/31/05	Appointed by Mayor Dermer TL 12/11
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R9A1 Nominate Mr. Marcelo Llorente To The Personnel Board  
(Requested by Commissioner Simon Cruz)  
(Deferred from September 8, 2004)

**ACTION:** Item not reached. Lilia Cardillo to place on November 10<sup>th</sup> Commission Agenda.

R9A2 Nominate Mr. Alex DeGasperi To The Personnel Board.  
(Requested by Commissioner Saul Gross)  
(Deferred from September 8, 2004)

**ACTION:** Item not reached. Lilia Cardillo to place on November 10<sup>th</sup> Commission Agenda.

**3:35:44 p.m.**

R9B(1) Dr. Stanley Sutnick Citizen's Forum. (1:30 p.m.)

**ACTION:**

**Lee Weiss** spoke in favor of an upcoming ordinance regarding the condominium workers. He lives and works at Sunset Harbor and any ordinance that protects the jobs of condominium workers is extremely valuable to him.

### **Announcement**

**3:28:00 p.m.**

Vice-Mayor Steinberg announced that since April 14, 2004 the City of Miami Beach has 6,392 additional registered voters. He thanked his colleagues, his staff, the Neighborhood Services Department, the Public Service Announcement that ran on Channel 20, and the entire community for this effort.

Mayor Dermer commended Vice-Mayor Steinberg for doing an outstanding job on this project.

**6:16:52 p.m.**

R9B(2) Dr. Stanley Sutnick Citizen's Forum. (5:30 p.m.).

**ACTION:**

**Richard McKinnon**, President of CWA, Local 3178, thanked the City Commission for letting them speak and stated that they are there to find out the status of their contract negotiations. He stated that the Union and the Administration will be meeting on October 29, 2004. He explained that at the bargaining table there has been no progress. There are three important issues; pay raises, health insurance and equal pension benefits for equal employee contributions by the employees. He stated that the City Manager has not reached out to equalize those benefits. He explained that during the month of August the last proposal from the City was leaked out to the members of CWA and at the Union meetings in September the members stated that the proposal was unacceptable because there was no provision to equalize the pension benefits. He stated that the Union has met with every member of the City Commission and discussed this issue. When they met privately, everyone was supportive. When asked if they support equal pension benefits for equal employee's contributions everyone answered "yes." He stated that they have been trying to correct this situation for seven years, and added that they are very near to an impasse. He suggested that the City Commission give some direction to the City Manager so that at the meeting of the 29<sup>th</sup> the impasse situation can be rectified, if not they will go to an independent arbitrator. There is another option and that is bypassing Special Master and just come in front of the City Commission since they know how the Commission feels on this issue.

Commissioner Smith clarified that he has never spoken to Mr. McKinnon on this or any other issue for the last two years.

Jorge Gonzalez, City Manager, posed a question to the Legal Department. He stated that he heard twice a threat of an impasse and asked Mr. Dubbin, City Attorney, if that is something that can and

should be used as an unfair labor practice, or are we getting close to that.

Murray Dubbin, City Attorney, stated that it is getting on the edge.

**Richard McKinnon**, President of CWA, Local 3178, stated that they would like to get this resolved, it has been unfair for seven years and CWA appreciates the City Commission's support on this issue.

**Benita Argos** spoke on the FPL issue and stated that during the last storm they lost power at her building for over an hour but this happens continuously. There are power failures all the time even without storms. The elevator in her building needed to be repaired at a cost of \$680 due to the power failures. She stated the FPL grid on the west side of West Avenue keeps popping and that this problem should be corrected with FPL. She suggested that the City's Public Works Department should check into this.

Commissioner Bower asked if there is a process to report power outages within the City.

Jorge Gonzalez, City Manager, stated that the Public Works Department communicates with FPL and report the outages. He stated that Commissioner Gross requested that the City gets a report from FPL indicating the power outages, when they occur and for how long. He explained that the only thing that our Public Works Department does is to inform FPL when outages occur.

Commissioner Bower stated that the City needs to find out from FPL what is causing this problem and what can be done to correct this situation.

Jorge Gonzalez, City Manager, stated that maybe the City can contact FPL to come to a meeting and answer these questions since this is outside the City's jurisdiction. **Fred Beckmann to handle.**

**Mark Johnson** spoke on the \$25 million contract with the Miami Visitors and Convention Bureau. He suggested making Miami Beach and R&R center for the military. He stated that in order for a private business to benefit from the advertising efforts of the Bureau, they have to be a member with a fee of \$750 and suggested a lower membership fee so all business could be represented.

**Deede Weithorn**, Budget Advisory Committee Chair, stated that the Budget Advisory Committee has attended every meeting on negotiations with CWA because it affects the trend of the expense line more than any another item. She emphasized that it was inappropriate to let Richard McKinnon speak at this time since he wants the City Manager to negotiate at piece meal and the City Manager refuses to negotiate that way. She asked the City Commission to look at this as a package. The Budget Advisory Committee understands this concept and what needs to happen is for both sides to go back to the bargaining table. She stated that the Sutnick Forum is to discuss other issue not this. She asked the Commission to remember her favorite line which is "Financial Accountability in the City," and the Budget Advisory Committee has done a fine job at working difficult budget issues.

**Lawrence Jessup, Economic Consultant for CWA**, stated that the only concern is whether the Administration is going to claim, as a defense, if they are not going to afford the ability to pay or the availability of funds. He stated that he does not think that is necessarily the case since he has done a lot of research of the City's finances. He hopes that the next time they meet this can be resolved.

**12:12:28 p.m.**

R9C Discussion Regarding Updating ADA Code To Include Innovative Forms Of Vehicles.  
(Requested by Commissioner Luis R. Garcia, Jr.)

**ACTION:** Discussion held.

Motion made by Commissioner Garcia to refer this to the Land Use and Development Committee; seconded by Vice-Mayor Steinberg; Voice vote; 6-0. Jorge Gomez to place on committee agenda.  
**Fred Beckmann to handle.**

Lee Weiss spoke.

Michael Brennan gave a historical recollection of the progress made in the City in reference to ADA Code compliance. He stated that unfortunately a lot of the actions taken have been as a result of litigations. He stated that he would like to see the City continue to be progressive and since this is a tourist City, it should welcome the disabled tourists since the disabled community is 20% of the community and it is growing. To achieve this some proactive measure need to be taken; 1) the City should adopt an ordinance to enable fining locations that do not have ADA compliance parking or ADA access to the building, 2) City should look into the current standards that do not address other mobility devices other than the standard manual; wheelchair.

Ann Thomas spoke.

Commissioner Garcia stated that this goes hand in hand with any type of human rights regulations since the current legislation is becoming archaic because the chairs are becoming bigger for more comfort.

Commissioner Smith stated that if the issue is lack of compliance with ADA regulations, the City Manager needs to take action and correct it, but if the issue is to amend the ADA regulations, it is more difficult. He explained that the Florida Building Commission has jurisdiction over the ADA regulations. Local municipalities do not get involved on these issues. He explained that the City should encourage changes to the appropriate legislation to enforce the ADA regulations, and there should be a discussion of all the state holders. There need to be a balance of the right of the disabled with the right of others.

Michael Brennan stated that this legislation will give the City the authority to enforce ADA federal requirement and be able to cite somebody for not complying with ADA requirements, the same as the City of Jacksonville did.

Murray Dubbin, City Attorney, stated that the Building Department has an ADA inspector to check new construction and renovations for compliance with ADA requirements.

Jorge Gonzalez, City Manager, stated that new constructions and buildings being renovated have to comply with the ADA requirement.

Michael Brennan stated that municipalities must comply with Federal laws, but the municipalities are not empowered to enforce the barrier removal component when the buildings are untouched; however, there is enforcement when there are renovations and new construction.

Murray Dubbin, City Attorney, stated that the Jacksonville Ordinance needs to be studied.

Mayor Dermer suggested that this issue be referred to a committee for discussion.

Commissioner Bower asked why the scooters are larger than the ADA requirements and requested more information on the subject. **Fred Beckmann to handle.**

Motion made by Commissioner Garcia to refer this item to the Land Use and Development Committee; seconded by Vice-Mayor Steinberg; Voice vote; 6-0. Jorge Gomez to place on the committee agenda. **Fred Beckmann to handle.**

Mayor Dermer stated that the Administration needs to look at jurisdiction, what other municipalities are doing, the Jacksonville ordinance, cost of enforcement, economic costs, federal requirements, issue of scooter and how they are built, and ADA's opinions. The stakeholders need to be involved. **Fred Beckmann to handle.**

Commissioner Gross stated that the question posed by Michael Brennan is "does the City want to take on the obligation of enforcing federal law"?

Handout or Reference Materials:

1. Letter from Scott Carr, dated 10/12/04, re: seller of electric scooters, submitted by Lee Weiss
2. Scooter specifications
3. Document titled "Requirements for Power Mobility Aids (Edited Version)"
4. Ordinance 2002-869-E from the City of Jacksonville, Florida.

**11:38:46 a.m.**

R9D Discussion Regarding A Resolution Requesting The Florida Legislature And The Florida Public Service Commission To Conduct A Study To Determine The Weaknesses In Florida's Power Grid That Cause Power Outages During Hurricanes And To Include A Cost Benefit Analysis For Alternatives Including, But Not Limited To, Underground Power Lines.  
(Requested by Vice-Mayor Richard L. Steinberg)

**ACTION:** Discussion held. **Resolution No. 2004-25728 adopted as amended.** Motion made by Vice-Mayor Steinberg; seconded by Commissioner Bower; Voice vote: 7-0. Kevin Crowder to transmit the Resolution to the Florida Legislature and the Florida Public Service Commission.

**Amendment:**

Fourth Whereas: ".....after Hurricane Ivan and Hurricane Jeanne, thousands ...."

Fausto Gomez, one of the City's State Lobbyists, introduced Braulio L. Baez, Chairman of the Florida Public Service Commission.

Mayor Dermer stated that the City of Miami Beach is concerned about the power lines and the under grounding of power lines.

Braulio L. Baez, Chairman of the Public Service Commission (PCS), commended the City for engaging the PSC. He stated that the City of Miami Beach is not alone on this issue and explained that the PSC is an economic regulator of electric utilities. With the reliability issues, he stated that there are service measures and reliability criteria that need to be met by power providers. He stated that there is a "storm fund" and a portion of the revenues is authorized to be set aside for storms.

Mayor Dermer asked if there would there be a financial burden placed on the users if the power lines were buried.

Braulio L. Baez, Chairman of the PSC, stated that there will not be a burden. He stated that the advantage to having underground lines is that it cuts on the frequency of outages, but when there is

an outage it would take longer to fix.

Commissioner Smith asked who is responsible for cutting the trees near the power lines.

Braulio L. Baez, Chairman of the PSC, stated that it depends.

Commissioner Gross asked in reference to reliability issues, who measures the outages on enforcing the reliability criteria? Where are the checks and balance of the utilities reporting?

Braulio L. Baez, Chairman of the PSC, stated that as a state agency they check on this on a statewide average for their criteria and they do not address specific parts of the system for each municipality.

Jorge Gonzalez, City Manager, stated that perhaps the City Commission should seek legislation that might require the reporting at a municipal level which would enable comparisons between different jurisdictions.

Braulio L. Baez, Chairman of the PSC, stated they do not have the authority to require this on a municipal level, only on a state or system wide level. He stated that a municipal requirement will increase costs which will impact the rates of the entire state.

Linda Grosz, President of the Venetian Island Homeowners Association, spoke on under grounding the power lines and the frequent power outages.

Vice-Mayor Steinberg stated that this item is not a referendum on FPL. The resolution is dealing with the power system in the State of Florida and requests the Florida Legislature and the Public Service Commission study the weakness in the power grid.

**3:39:32 p.m.**

R9E Discussion Regarding The GMCVB Contract And The City's Tourism Needs.

(Requested by Vice-Mayor Richard L. Steinberg)

**ACTION:** Discussion held.

David Kelsey thanked Vice-Mayor Steinberg for the opportunity to present the South Beach tourism needs. He requested an opportunity, at the next City Commission meeting, to discuss in detail the plan being proposed. He stated that South Beach accounts for 70% of all Miami Beach Hotels, Restaurants, Night Clubs and bar sales, and it is the community's largest employer, it follows that South Beach should be a major priority for the City as a resort destination. Unfortunately, this is not the case due to 1) inadequate City services, and 2) a lack of dedicated marketing. While the GMCVB promotes the greater Miami area, it does not promote specific destinations within it. He is proposing the following:

- 1) A complimentary and parallel marketing effort to specifically promote South Beach as a destination independent of the Bureau's efforts to promote the Miami-Dade Region.
- 2) The marketing effort should be limited to addressing the leisure travel market since this market accounts for 90% of the visitors.

He stated that there is a precedent for having independent marketing for South Beach, and used Disney World as an example. Disney is a major attraction in Orlando just as South Beach is a major attraction in Miami-Dade County, and just as Disney created tourism for Orlando, South Beach created tourism for Miami Beach and Greater Miami. Even after Orlando developed, Disney did not

abandon its own independent marketing.

He expressed the following concerns:

- 1) South Beach needs to sustain its popularity, and it will not happen with a homogenized regional effort to attract tourist.
  - 2) Concern with the continual loss of visitors to Ft. Lauderdale and this will get worse when the Ft. Lauderdale Airport becomes international.
  - 3) Difficulty of the small and historic hotels being able to compete effectively with the chain hotels.
  - 4) Loss of gay visitors to Ft. Lauderdale.
  - 5) Less appeal to fashion and modeling industries.
  - 6) Drop in revenues from winter to summer a 40% drop for the hotels and a 30% for the restaurants.
- He stated that having an independent marketing for South Beach will address these concerns.

David Wallack stated that it has become evident that the City is entering an era where the City Commission, as a legislative body, as well as the Planning Board, are considering "Entertainment Districts." He stated that the foundation of knowledge is missing; everybody has a piece of the knowledge, but nobody has the collective knowledge. He suggested an economic impact study of the hospitality industry in Miami Beach. The study should include the rolled down effect of the employees of the hospitality industry; where they spend their paychecks, sales tax, housing, etc. He proposed to the City Manager and the City Commission to find out the economic impact of tourism and the hospitality industry in relationship to the City of Miami Beach.

- R9F The City Commission Will Attend A Ground Breaking Ceremony At Fire Station No. 4 After The Executive Sessions At Noon Break.  
(City Manager's Office)

**ACTION:** Announced and held.

**3:38:28 p.m.**

- R9G Discussion Regarding Mandatory Evacuation Of Tourists During A Hurricane.  
(Requested by Commissioner Luis R. Garcia, Jr.)

**ACTION:** Discussion held.

Commissioner Garcia stated that a suggestion has been made that since tourists are guests in the City, if the City is under mandatory evacuation, it is the City's responsibility to evacuate the guests. He stated that the City should be working with the Greater Miami Visitors and Convention Bureau (Bureau) and Miami-Dade County to work on a plan to evacuate Miami Beach hotel guests to the same shelter.

Mayor Dermer stated that by taking care of our tourists, the City may turn a negative situation into a pleasant and positive experience.

Commissioner Bower stated that the hotels should also share the burden of taking care of their visitors. She stated that there should be reciprocal arrangement made within hotel chains to transferred guests to hotels inland.

Jorge Gonzalez, City Manager, stated that this is a fabulous idea and the City should work on this project with the Bureau. This will be brought to the Executive Committee of the Bureau for discussion. Usually there are reciprocal arrangements that many hotels make, such as chain hotel to chain hotel. **Jorge Gonzalez, City Manager, and Commissioner Garcia to bring the item to the**

**Executive Committee of the Bureau.**

**R10 - City Attorney Reports****R10A Notice Of Closed Executive Session.**

Pursuant To Section 286.011, Florida Statutes, A Closed Executive Session Will Be Held During Lunch Recess Of The City Commission Meeting On October 13, 2004 in The City Manager's Large Conference Room, Fourth Floor, City Hall, To Discuss Settlement On The Following Cases:

Gloria Rosenthal, Trustee Of The Gloria Rosenthal Trust U/A/D 5/19/88, Vs. The City Of Miami Beach, A Political Subdivision Of The State Of Florida. Eleventh Judicial Circuit, General Jurisdiction, Case No. 04-10744 CA 31

The Following Individuals Will Be In Attendance: Mayor David Dermer; Members Of The Commission: Matti Herrera Bower, Simon Cruz, Luis R. Garcia Jr., Saul Gross, Jose Smith And Richard L. Steinberg; City Attorney Murray H. Dubbin, City Manager Jorge M. Gonzalez, And First Assistant City Attorney Rhonda Hasan.

**ACTION:** Announced and held.

**R10B Notice Of Closed Executive Session.**

Pursuant To Section 286.011, Florida Statutes, A Closed Executive Session Will Be Held During Lunch Recess Of The City Commission Meeting On October 13, 2004 in The City Manager's Large Conference Room, Fourth Floor, City Hall, To Discuss Settlement On The Following Cases:

Atlantic Civil, Inc., A Florida Corporation, Vs. Miami Beach Redevelopment Agency, A Public Body Corporate And Politic, Vs. National Fire Insurance Company Of Hartford. Eleventh Judicial Circuit, General Jurisdiction, Case No. 01-23635 CA 09

The Following Individuals Will Be In Attendance: Mayor David Dermer; Members Of The Commission: Matti Herrera Bower, Simon Cruz, Luis R. Garcia Jr., Saul Gross, Jose Smith And Richard Steinberg; City Attorney Murray H. Dubbin, City Manager Jorge M. Gonzalez, First Assistant City Attorney Rhonda Hasan And Special Counsel Steve Siegfried.

**ACTION:** Announced and held.

**Addendum****R10C Notice Of Closed Executive Session**

Pursuant to Section 286.011, Florida Statutes, a Closed Executive Session will be held during lunch recess of the City Commission meeting on October 13, 2004 in the City Manager's large conference room, Fourth Floor, City Hall, to discuss the status of labor negotiations.

The following individuals will be in attendance: Mayor David Dermer; Members of the Commission: Matti H. Bower, Simon Cruz, Luis R. Garcia Jr., Saul Gross, Jose Smith and Richard Steinberg; City Attorney Murray H. Dubbin, City Manager Jorge Gonzalez, Labor Relations Division Director Linda Gonzalez, and outside legal counsel Jim Crosland.

**ACTION:** Announced and held.

**Reports and Informational Items**

- A City Attorney's Status Report.  
(City Attorney's Office)

**ACTION: Written report submitted.**

- B Parking Status Report.  
(Parking Department)

**ACTION: Written report submitted.**

- C Status Report On The Rehabilitation Of The Existing Building And Construction Of The New Fire Station No. 2.  
(Capital Improvement Projects)

**ACTION: Written report submitted.**

- D Status Report On The Construction Of Fire Station No. 4.  
(Capital Improvement Projects)

**ACTION: Written report submitted.**

- E Informational Report To The Mayor And City Commission, On Federal, State, Miami-Dade County, U.S. Communities, And All Existing City Contracts For Renewal Or Extensions In The Next 180 Days.  
(Procurement)

**ACTION: Written report submitted.**

- F Non City Entities Represented By City Commission:
1. Minutes From The Performing Arts Center Trust Board Meeting On July 20, 2004.  
(Requested by Commissioner Matti Herrera Bower)
  2. Minutes From The Miami Beach Transportation Management Association Executive Board Meeting On May 10, 2004 And Agenda For The September 20, 2004 Meeting.  
(Requested by Commissioner Matti Herrera Bower)
  3. Minutes From The Miami-Dade County Homeless Trust Board Meeting On July 23, 2004.  
(Page 526)  
(Requested by Vice-Mayor Richard L. Steinberg)

**ACTION: Written report submitted.**

**End of Regular Agenda**

**Miami Beach Redevelopment Agency  
Commission Chambers, 3rd Floor, City Hall  
1700 Convention Center Drive  
October 13, 2004**

Chairman of the Board David Dermer  
Member of the Board Matti Herrera Bower  
Member of the Board Simon Cruz  
Member of the Board Luis R. Garcia, Jr.  
Member of the Board Saul Gross  
Member of the Board Jose Smith  
Member of the Board Richard L. Steinberg

Executive Director Jorge M. Gonzalez  
Assistant Director Christina M. Cuervo  
Assistant Director Mayra Diaz Buttacavoli  
General Counsel Murray H. Dubbin  
Secretary Robert E. Parcher

**AGENDA**

1. ROLL CALL
2. OLD BUSINESS
  - A. Report Of The Itemized Revenues And Expenditures Of The Miami Beach Redevelopment Agency For The Month Of August 2004.

**ACTION: Written report submitted.**

**10:20:39 a.m.**

3. NEW BUSINESS

- A. A Resolution Of The Chairman And Members Of The Miami Beach Redevelopment Agency (RDA) Approving And Authorizing The Executive Director To Execute A Modification Of The Letter Agreement Between The Miami Beach Redevelopment Agency, The City Of Miami Beach And The Courts At South Beach Limited, A Florida Limited Partnership F/K/A Cobb Partners South Beach Limited, Dated March 25, 2003; Said Modification Extending The Closing Date On The Library Facility To December 31, 2004, Subject To Certain Conditions And Limitations Expressed Therein; And Further Appropriating \$42,415.35 In Available South Pointe Redevelopment Area Trust Funds Toward Improvements To The Library Space.  
Joint City Commission and Redevelopment Agency.

**ACTION: Heard in conjunction with R7H. Resolution No. 489-2004 adopted.** Motion made by Commissioner Smith; seconded by Commissioner Garcia; Voice vote: 7-0. Christina Cuervo to handle.

**Meeting adjourned at 7:1:03 p.m.**

**End of RDA Agenda**